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EEOC FILES POST-9/11 RELIGION AND NATIONAL ORIGIN TERMINATION LAWSUIT AGAINST WORCESTER ART MUSEUM

Alleges Termination of Afghan-American, Muslim Man Was Discriminatory

BOSTON -- The U.S. Equal Employment Opportunity Commission (EEOC) today filed a lawsuit against the Worcester Art Museum alleging that, in the wake of the terrorist attacks of September 11, 2001, the museum fired an Afghan-American Muslim man on the basis of his national origin and religion.

"The experience of Zia Ayub represents an unfortunate example of how reactive anger can give rise to unlawful employment discrimination against innocent individuals," said EEOC Chair Cari M. Dominguez. "The Commission will continue to be vigilant in working with employers everywhere to promote tolerance and, when necessary, in seeking effective relief for victims of discrimination."

The suit was filed in the U.S. District Court for Massachusetts (Civil Action #02 CV 40176 NMG). Mr. Ayub, who had emigrated to the United States in the early 1980's with his parents to escape the Soviet occupation of Afghanistan, had become a U.S. citizen and had worked at the museum since 1994 as a security guard.

After the terrorist attacks of September 11, 2001, Mr. Ayub, the only employee of either Muslim or Afghan origin, was ostracized by his co-workers, and one of Mr. Ayub's co-workers falsely reported Mr. Ayub to the authorities as a suspected

terrorist. On January 4, 2002, the museum terminated Mr. Ayub's employment without notice, allegedly for taking excessive time to complete security rounds on three separate occasions, and he was replaced by a non-Muslim who was not of Afghan or Middle Eastern origin.

The suit alleges that reasons given for Mr. Ayub's termination were false and were used as an excuse for discrimination. The museum failed to investigate or take any action against at least four other security guards who had taken as long or longer to complete their rounds. For example, between November 3 and December 2, 2001, Mr. Ayub's partner had completed three security rounds, each of which exceeded the longest round used to justify Mr. Ayub's termination. In addition, in Mr. Ayub's case, the museum failed to follow its usual and customary practice of issuing oral and written warnings, or a suspension, and it failed to follow its usual practice of issuing a memo to all employees reminding employees of the museum's expectations of them. Prior to the events used as an excuse for his termination, Mr. Ayub had never had a disciplinary warning, and he had just received a merit raise on December 18, 2001.

The EEOC complaint seeks monetary and injunctive relief on behalf of Mr. Ayub, including back wages, compensatory damages, and punitive damages.

"Since the events of 9/11, the EEOC has seen a significant number of charges filed nationwide alleging backlash discrimination based on religion and/or national origin," said Katherine E. Bissell, regional attorney for EEOC's New York District Office, which includes Massachusetts within its jurisdiction.

In addition to enforcing Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin, the EEOC enforces Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments; the Age Discrimination in Employment Act, which protects individuals who are 40 years of age or older; the Equal Pay Act; the Rehabilitation Act of 1973's prohibitions against discrimination affecting individuals with disabilities in the federal sector; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

This page was last modified on September 30, 2002.



[Return to Home Page](#)